IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 6TH MARCH 2007 / 15TH PHALGUNA 1928

Con.Case(C).No. 1320 of 2006(S)

PETITIONER

K.SADANANDAN, S/O.KUNJUKUTTY,
AGED 51 YEARS, PWD CONTRACTOR,
AMBADIYIL NEW BUNGLOW, ADOOR P.O.,
PATHANAMTHITTA.

BY ADV. SRI.BECHU KURIAN THOMAS

RESPONDENTS: CONTEMNOR

A.J.ABDUL HAMEED,
S/O.LATE JAMAL MUHAMMED KUNJU, AGED 45 YEARS,
RESIDING AT G.O.QUARTERS, E-5, THEVALLY,
KOLLAM, NOW WORKING AS PWD ROAD, I&P,
SECTION NO.1, THEVALLY, KOLLAM-9.

BY GOVERNMENT PLEADER SRI.P.L.RAVIKRISHNAN

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 06/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN .J

C.O.C No 1320 of 2006

Dated this the 6th day of March 2007

JUDGMENT

This contempt case has been filed complaining of non-compliance with my interim order dated 27-9-2006 in W.P.(C) No. 34077/2005. The order reads thus:-

> *There would be a direction to the 5th respondent to measure the work done by the petitioner and prepare the final bill in respect thereof within three weeks from today. 3rd respondent shall see that the 5th respondent takes the measurements and submits the final bill*

Initially it was submitted that the 1st respondent in the contempt petition who was to comply with the order is no longer the engineer manning the post who was to measure the work done by the petitioner and to prepare the final bill as directed in the interim order. Therefore by order dated 14-12-2006, I directed the Additional 2nd respondent to see that the measurements of work done by the petitioner is made and the final bill prepared by the present incumbent of the post. Now a statement dated 15-2-2007 is filed wherein it is stated that the Assistant Engineer, PWD Roads Section, Sasthamkotta had prepared the final bill and submitted it to the Assistant Executive Engineer Roads Sub-Division Karunagapally on 12-2-2007. However the learned counsel for the petitioner submits that the

first respondent who was in charge of the work done by the petitioner had taken the file relating to the work, along with him and therefore the final bill now prepared does not represent the correct amount due to the petitioner for the work done by him. I am afraid that I would not be in a position to consider this disputed questions of fact in a contempt petition. Now that the interim order has been complied with, if the petitioner has any case that the final bill prepared does not represent the actual work done by him, it is open to him to agitate that issue in the writ petition, which is still pending. In the above circumstances the contempt case is closed without prejudice to the right of the petitioner to challenge the correctness of the final bill which is now stated to have been prepared. The petitioner may approach the engineer concerned for a copy of the final bill which is stated to have been prepared, which shall be supplied to him

S.SIRI JAGAN .JUDGE

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